

1 [Regulating Overtime for City Employees.]
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3 **Ordinance amending Section 18.3-1 of the Administrative Code, to limit overtime hours**
 4 **worked in any fiscal year and to limit overtime to no more than 80 in a regular work**
 5 **week except for work performed by ~~uniformed ranks of the Police and Fire~~**
 6 **Departments or for emergency or critical service needs, if such emergency or critical**
 7 **service need is approved by appropriate officials.**

8 Note: Additions are single-underline italics Times New Roman;
 9 deletions are ~~strikethrough italics Times New Roman~~.
 10 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. The San Francisco Administrative Code is hereby amended by amending
 13 and adding to Section 18.13-1, to read as follows:

14 **Sec. 18.13-1. MAXIMUM PERMISSIBLE OVERTIME**

15 (a) Employees may only work overtime if authorized by an appointing officer or
 16 designee, and employees may not assign themselves to work overtime. Appointing
 17 officers or designees shall only assign overtime when work cannot be completed within
 18 normal work schedules. Except as provided for below, absent prior approval of the
 19 Director of Human Resources (or, if appropriate, the Director of the Municipal
 20 Transportation Agency). No appointing officer shall suffer or permit any employee to:
 21 (i) work overtime hours that exceed, in any fiscal year, thirty percent (30%) ~~16 percent~~
 22 of the number of hours that the employee is regularly scheduled to work on a straight-
 23 time basis in that fiscal year (i.e., 624 hours for a full-time 2080 hour per year
 24 employee); or, (ii) work more than eighty (80) hours in a regular work week, ~~e.g.,~~
 25 ~~332.8 hours for a full-time 2080 hour per year employee.~~ For the purpose of

1 calculating the maximum number of overtime hours an employee is permitted to work
2 under this Section, hours attributed to vacation and other paid leaves shall be deemed
3 included in the hours the employee is regularly scheduled to work on a straight-time
4 basis in a fiscal year. ~~In no event should an appointing officer suffer or permit any~~
5 ~~employee to work more than eighty (80) hours in a regular work week.~~

6 (b) An appointing officer may request an exemption from subsection (a) from the
7 Director of Human Resources (or, if appropriate, the Director of the Municipal
8 Transportation Agency) based upon a critical staffing shortage. ~~An appointing officer~~
9 ~~may, by written authorization, require an employee to work overtime hours in excess of the~~
10 ~~limitation set forth in Subsection (a).~~ ~~The Controller and Director of Human Resources~~
11 ~~appointing officer shall submit a biannual report to the Board of Supervisors on January~~
12 ~~5th and May 1st of each year listing each and every employee who has worked more~~
13 ~~than 80 hours in any work week, including the work week and hours in question,~~
14 ~~justifying any excess overtime granted pursuant to this subsection.~~

15 ~~(c) The provisions of Subsection (a) shall not apply to overtime worked by any employee where~~
16 ~~the City and County of San Francisco incurs no direct or indirect additional costs and where~~
17 ~~the employee acquires no right to compensatory time off. For the purposes of this Section,~~
18 ~~"direct or indirect additional costs" includes any additional salary, wages, compensatory time~~
19 ~~or any other benefit provided at that time or deferred until a later date.~~

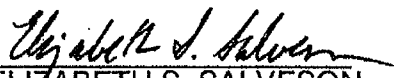
20 (c) An appointing officer may assign overtime hours exempt from subsection (a)
21 above in the event of disasters, and like emergency situations where such overtime
22 assignments are necessary to protect public safety. ~~The provisions of this section~~
23 ~~Subsection (a) shall not apply to work performed by members of the uniformed ranks of~~
24 ~~the Police and Fire Departments or to work performed in the event of an emergency or~~
25 ~~temporary critical service need upon approval by the Controller and by the Director of~~

1 Human Resources (or, if appropriate, by the Director of the Municipal Transportation
2 Agency), ~~transit operators and transit operator supervisors of the San Francisco Municipal~~
3 ~~Railway, nurses and other emergency workers employed by the Department of Public Health, or~~
4 ~~any other employee when the work is required pursuant to a standing directive of the appointing~~
5 ~~officer to complete a task after the end of the employee's regularly scheduled shift or to fill~~
6 ~~emergency staff shortages.~~

7 (d) The Controller and Director of Human Resources shall submit a semi-annual
8 report to the Board of Supervisor on January 5th and May 1st of each year
9 documenting each department's overtime use and the extent to which each
10 department has complied with this section. In addition, the Controller shall submit a
11 monthly report to the Board of Supervisors and the Mayor's Budget Director listing the
12 five City departments using the most overtime in the preceding month. A hearing on
13 this report shall be calendared as a standing agenda item of the Budget and Finance
14 Committee or another fiscal committee of the Board of Supervisors as determined by
15 the President of the Board of Supervisors.

16 (e) This ordinance is not intended to supersede overtime distribution rules contained
17 in approved memoranda of understanding with the City's exclusive representatives
18 except as necessary to ensure compliance with subsection (a) above to the extent
19 allowable by state or local law.

20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: 
23 ELIZABETH S. SALVESON
24 Chief Labor Attorney
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